

# Notices

Federal Register

Vol. 60, No. 35

Wednesday, February 22, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Scenery Fire Recovery; Kootenai National Forest, Lincoln County, MT

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Scenery Face Fire burned approximately 4700 acres of Kootenai National Forest system lands in the late summer of 1994. The Libby Ranger District on the Kootenai National Forest intends to prepare an Environmental Impact Statement (EIS) to assess and disclose the environmental effects of opportunities designed to recover economic value of burned timber, reduce fuel accumulations, rehabilitate existing sediment sources and protect long-term soil productivity. These objectives would be accomplished through salvage harvest of fire-killed trees; reforestation of some harvested and severely burned areas; fuels reduction in harvested areas and restoration of non-essential roads. The Scenery decision area is located approximately 1 air mile west of Libby, Montana.

The proposal's actions to salvage fire-killed trees and reforest burned areas, reduce fuels, and restore roads are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The EIS will tier to the Kootenai National Forest Land and Resource Management Plan and Final EIS of September 1987, which provides overall guidance for achieving the desired forest condition of the area.

**DATES:** Written comments and suggestions should be received by no later than March 24, 1995.

**ADDRESSES:** The Responsible Official is Lawrence A. Froberg, District Ranger, Libby Ranger District, Kootenai National

Forest. Written comments and suggestions concerning the scope of the analysis should be sent to Lawrence A. Froberg, District Ranger, Libby Ranger District, 12557 US Hwy 37 N, Libby, Montana, 59923.

**FOR FURTHER INFORMATION CONTACT:** Leanne Marten, NEPA Coordinator, Libby Ranger District. Phone: (406) 293-7773.

**SUPPLEMENTARY INFORMATION:** During the night of August 14-15, 1994, a lightning storm started 207 fires on the Kootenai National Forest in northwest Montana. Several of these fires occurred on the Libby Ranger District. The Scenery Fire Recovery EIS is being prepared in response to conditions resulting from one of the largest of these fires, the 4700 acre Scenery Face Fire. An interdisciplinary landscape analysis team is using an ecosystem based approach to assess the fires affects and identify management opportunities that could be implemented to move the postfire landscapes toward a desired ecological condition.

Burn intensities in the Scenery wildfire varied considerably. Within the fire perimeters approximately 2200 acres burned at moderate intensity (average 55% tree mortality) and approximately 2500 acres burned at low intensity (average 25% mortality). The fire burned within the Cabinet Face East Roadless Area #671.

The Scenery decision area contains approximately 3,300 acres within the Kootenai National Forest in Lincoln County, Montana. The legal location of the decision area is as follows: Sections or portions of Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, and 30 and Township 31 North, Range 32 West; Sections or portions of Sections 24 and 25 of Township 31 North, Range 33 West; Principle Meridian. The land in and adjacent to the decision area is primarily federal ownership under the jurisdiction of the Forest Service with some intermixed private ownership.

#### Proposed Action

The primary purpose of the project is to recover valuable timber products from trees burned by the Scenery Face wildfire that occurred in 1994 (while maintaining ecological processes), with the secondary benefit of reducing fuel loads. Actions are also proposed to enhance watershed recovery and improve grizzly bear habitat security.

The Forest Service proposes to harvest approximately 2.1 million board feet of timber by salvaging fire-killed trees and dying trees on approximately 350 acres of forest land outside riparian protection areas. Only trees that were killed, or are expected to die as a result of the fires, would be harvested. The proposal includes prescribed burning of about 67 acres to reduce fuel loads in harvested areas. An estimated 263 acres of proposed salvage units would be planted with conifer seedlings to help meet desired conditions for species diversity. The Forest Service also proposes to scarify and revegetate an estimated 4 miles of existing non-essential roads to reduce sediment and water yields, and improve grizzly bear habitat security. Non-essential roads are those that are no longer considered a necessary part of the permanent transportation system. Additional road access restrictions may be needed to provide adequate security areas for grizzly bears, however identification of specific road closure proposals is pending further analysis.

The decision area includes a portion of the Cabinet Face East Roadless Area #671. Approximately 330 acres of timber salvage and approximately 250 acres of reforestation would occur within the roadless area. No road construction is proposed within the roadless area. No proposed activities are located in areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan.

Due to the high level of tree mortality in proposed harvest units, most harvested areas would resemble clearcut or seed-tree silvicultural methods. Only those live trees which must be cut to facilitate logging fire-killed trees would be harvested. Timber harvest would be done by skyline and helicopter yarding, designed to result in minimal ground disturbance, risk of erosion, and compaction.

The Kootenai National Forest Land and Resource Management Plan provides overall management objectives in individual delineated management areas (MA's). The decision area contains four MA's: 11, 12, 14 and 19. Briefly described, MA 11 is managed to maintain or enhance the winter-range habitat effectiveness for big-game species and produce a programmed yield of timber. MA 12 is managed to maintain or enhance the summer-range

habitat effectiveness for big-game species and produce a programmed yield of timber. MA 14 focuses on maintaining or enhancing grizzly bear habitat, reducing grizzly/human conflicts, assisting in the recovery of the grizzly bear, realizing a programmed yield of timber production, and providing for the maintenance or enhancement of other wildlife species, especially big game. MA 19 is managed to protect soil stability and water quality by maintaining the vegetation in a healthy condition and minimizing surface disturbance. Timber salvage and fuels reduction is proposed in MA 12.

### Preliminary Issues

Several preliminary issues of concern have been identified by the Forest Service. These issues are briefly described below:

- **Water Quality**—Streams in the decision area have been impacted by the Scenery Face wildfire. How would the proposed action affect water yield, sediment production, stream stability, and recovery from the wildfire?
- **Timber Supply**—Much of the fire-killed timber will quickly lose its commercial value due to rapid deterioration. To what extent does the proposed action recover the commercial value of fire-killed timber to help meet local and national needs?
- **Activity in Roadless Areas**—What effect would the proposal have on the roadless character of the Cabinet Face East Roadless Area #671?
- **Grizzly Bear**—The decision area lies within the recovery area for the Cabinet/Taak grizzly bear ecosystem. How would the proposal maintain and enhance grizzly bear habitat, and contribute to recovery efforts?
- **Visual Quality**—The units proposed can be viewed from Highway 2, the Kootenai River Road or the Bighorn Trail. To what extent will the viewshed be altered?

### Forest Plan Amendment

The Kootenai National Forest Land and Resource Management Plan has specific management direction for the Scenery decision area. The Scenery proposed action is designed to maintain or improve resource conditions and move towards achieving desired ecological conditions, and is consistent with the goals and objectives of the Forest Plan. Prior to making a NEPA decision, a thorough examination of all standards and guidelines of the Forest Plan would be completed and, if necessary, plan exceptions or amendments would be addressed in the EIS.

### Decisions To Be Made

The Libby District Ranger will decide the following:

Should dead and imminent dead trees within fire areas be harvested and if so how and where,

What amount, type, and distribution of watershed restoration projects, including road restoration, would be implemented,

What burned areas need to be replanted, and

If Forest Plan exception or amendments are necessary to proceed with the Proposed Action within the decision area.

### Public Involvement and Scoping

An open house will be scheduled in March, to provide an opportunity for the public to review the proposed action. Consultation with appropriate State and Federal agencies will be initiated. Preliminary effects analysis indicated that the wildfires may significantly affect the quality of the human environment, and fire recovery activities have the potential to both intensify and reduce effects. These potential effects prompted the decision to prepare an EIS for the Scenery Fire Salvage.

This environmental analysis and decision making process will enable additional interested and affected people to participate and contribute to the final decision. Public participation will be requested at several points during the analysis. The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies, and other individuals or organizations who may be interested in or affected by the proposed projects. This input will be used in preparation of the draft and final EIS. The scoping process will include:

- Identifying potential issues.
- Identifying major issues to be analyzed in depth.
- Exploring additional alternatives which will be derived from issues recognized during scoping activities.
- Identifying potential environmental effects of this project and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

The analysis will consider a range of alternatives, including the proposed action, no action, and other reasonable action alternatives.

### Estimated Dates for Filing

The draft Scenery Fire Recovery EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June, 1995. At that time EPA will publish a Notice of Availability of the

draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**.

The final EIS is scheduled to be completed by September, 1995. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

### Reviewer's Obligations

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the final EIS.

To be most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merit of the alternatives discussed. Reviewers may wish to refer to the council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

### Responsible Official

Lawrence A. Froberg, District Ranger, Libby Ranger District, Kootenai National Forest, 12557 US Highway 37 North, Libby, MT 59923 is the Responsible Official. As the Responsible Official he will decide which, if any, of the proposed projects will be implemented. He will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: February 10, 1995.

**Lawrence A. Forberg,**

*District Ranger.*

[FR Doc. 95-4222 Filed 2-21-95; 8:45 am]

BILLING CODE 3410-11-M

## ARCTIC RESEARCH COMMISSION

### Meeting

Notice is hereby given that the Arctic Research Commission will hold its 38th Meeting in Arlington, Virginia, on March 8-9, 1995. On Wednesday, March 8, a Business Session open to the public will convene at 9:00 a.m. in the Fairfax Room of the Holiday Inn, 4610 North Fairfax Drive. Agenda items include: (1) Chairman's Report; (2) Comments from Agencies and Organizations; (3) Recent Research Activities; and (4) Engineering Initiatives/Workshop Plans. On Thursday, March 9, the Business Session will reconvene at 9:00 a.m. Agenda items for this session include: (1) Icebreaker Notes; (2) Trip Reports; and (3) Correspondence. An Executive Session for Members of the Commission will be held following the Business Session on March 8.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs.

Contact Person for More Information: Dr. Garrett W. Brass, Executive Director, Arctic Research Commission, 703-525-0111 or TDD 703-306-0090.

**Garrett W. Brass,**

*Executive Director.*

[FR Doc. 95-4231 Filed 2-21-95; 8:45 am]

BILLING CODE 755-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-813]

### Notice of Amended Preliminary Determination: Canned Pineapple Fruit From Thailand

**AGENCY:** Import Administration, International Trade Administration, U.S. Department of Commerce.

**EFFECTIVE DATE:** February 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Katt or Michelle Frederick, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington,

DC 20230; telephone: (202) 482-0498 or (202) 482-0186, respectively.

### APPLICABLE STATUTE AND REGULATIONS:

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994. References to the *Antidumping and Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments*, 57 FR 1131 (January 10, 1992) (concerning correction of ministerial errors in a preliminary determination) ("Proposed Regulations") are provided solely for further explanation of the Department's practice and procedures with respect to correction of ministerial errors. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. See 60 FR 80 (January 3, 1995).

**AMENDED PRELIMINARY DETERMINATION:** In accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act), on January 4, 1995, the Department of Commerce (the Department) made its preliminary determination that canned pineapple fruit (CPF) from Thailand was being sold at less than fair value (60 FR 2734, January 11, 1995). On January 10 and 13, 1995, we disclosed our calculations for the preliminary determination to counsel for respondents, the Thai Public Pineapple Company (TIPCO), Siam Agro Industry Pineapple and Others Public Co., Ltd. (SAICO), and Malee Sampran Factory Public Co., Ltd. (Malee), to counsel to respondent Dole Food Company, Inc. and its affiliates, Dole Packaged Foods Company and Dole Thailand, Inc. (collectively Dole) and to counsel for the petitioners, respectively, pursuant to their requests. On January 20, 1995, we received a submission from the petitioners alleging a ministerial error in the Department's preliminary determination calculations. (For specific details of this allegation and our analysis of it, see Memorandum from Gary Taverman to Barbara R. Stafford dated February 8, 1995.)

The petitioners alleged that the Department incorrectly included movement expenses in its deductions for both direct and indirect selling expenses for Dole's third country observations made on an ex-warehouse or delivered basis.

We agree that the error alleged by the petitioners is a ministerial error. This error constitutes a significant ministerial error within the meaning of the Department's Proposed Regulations in that the correction results in a difference between a dumping margin of *de minimis* and a margin greater than *de minimis*. See section 353.15(g)(4)(ii) of the Department's Proposed Regulations (57 FR 1131, January 10, 1992). Therefore, consistent with the Department's practice with respect to the correction of ministerial errors, we are amending Dole's preliminary dumping margin. The corrected dumping margin for Dole is 0.78 percent; as a result the "All Others" rate is now 3.92 percent.

### Suspension of Liquidation

We are directing the Customs Service to correct our request to suspend liquidation in accordance with section 733(d)(1) of the Act, for all entries of CPF from Thailand.

We are directing the Customs Service to suspend liquidation of all entries of CPF from Thailand from Dole that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this amended preliminary determination notice in the **Federal Register**. Because Dole's dumping margin is now greater than *de minimis*, and margins greater than *de minimis* are included within the all others rate, we are directing the Customs Service to correct the "All Others" rate so that it will reflect the rates for TIPCO, SAICO, Malee, and Dole.

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of CPF from Thailand for TIPCO, SAICO, Malee and All Others that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this amended preliminary determination notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the revised estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/Producer/ Exporter	Original margin percent	Revised margin percent
Dole .....	<sup>1</sup> 0.30	0.78
TIPCO .....	7.81	7.81
SAICO .....	9.55	9.55
Malee .....	1.12	1.12